Notice of Allowability	Application No.	Applicant(s)
	10/501,343	REISACHER ET AL.
	Examiner	Art Unit
	Patricia L. Hailey	1755
The MAILING DATE of this communication appears on the cover sheet with the correspondence address All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.		
1. This communication is responsive to <u>a BPAI Decision rendered on May 24, 2007</u> .		
2. The allowed claim(s) is/are <u>1-12</u> .		
 3.		
International Bureau (PCT Rule 17.2(a)).		
* Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF		
INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.		
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.		
(a) Including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached		
1) hereto or 2) to Paper No./Mail Date		
(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date		
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).		
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.		
Attachment(s)	5 Darth of the mole	Andread Anna Parathan
1. Notice of References Cited (PTO-892)	5. Notice of Informal P	• •
2. Notice of Draftperson's Patent Drawing Review (PTO-948)	6. ☐ Interview Summary Paper No./Mail Da 7. ☐ Examiner's Amendr	
 Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 	7. 🗌 Examiner's Amendr	nent/Comment
Examiner's Comment Regarding Requirement for Deposit of Biological Material	 8. ⊠ Examiner's Statement 9. □ Other 	ent of Reasons for Allowance
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Terminal Disclaimer

1. The terminal disclaimer filed on August 6, 2007, is sufficient to overcome the provisional obviousness-type double patenting rejection over copending Application Serial No. 10/515,345. The terminal disclaimer has been recorded.

Allowable Subject Matter

2. Claims 1-12 are allowed.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

The decision handed down by the Board of Patent Appeals and Interferences in favor of Appellants renders untenable the rejection of claims 1-5, 7-10, and 12 under 35 U.S.C. §102(b) as being anticipated by Gonzales-Blanco (U. S. Patent No. 6,110,266), and also renders untenable the rejection of claims 6 and 11 under 35 U.S.C. §103(a) as being obvious over Gonzales-Blanco (U. S. Patent No. 6,110,266) in view of Nyssen (U. S. Patent No. 6,646,023).

The decision was handed down May 24, 2007.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Application/Control Number: 10/501,343

Art Unit: 1755

Conclusion

Page 3

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Hailey whose telephone number is (571) 272-1369. The examiner can normally be reached on Mondays-Fridays, from 7:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo, can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 1700 Receptionist, whose telephone number is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patricia L. Hailey/plh

Examiner, Art Unit 1755

August 13, 2007

SUPERVISORY RATENT EXAMINER